

EXHIBIT 2

1

break, I 1 Q. Back on the record. Officer, while we were on

2 believe you had an opportunity to review Exhibit 2,
3 which was your police report. Is that right?

4 A. Yes.

as 5 Q. Okay. And does that help refresh your recollection
6 to the events on the date in question?

7 A. Yes.

the 8 Q. All right. And what is the purpose of Exhibit 2,
9 police report?

10 A. What's the purpose of this?

11 Q. Yes.

something, 12 A. Every time you have a violation or death or
13 you have to do a police report.

14 Q. Okay. What kind of information do you put in the
15 report?

cause for 16 A. Pretty much from start to finish, the probable
And to 17 whatever. Was it a police run, a traffic stop.

18 -- from the beginning to end, what happened.

19 Q. Okay. So any information that was important to the

1

Ex 2

20 occurrence, you would put it in the report,
correct?

21 A. Yes.

22 Q. And you would agree that your recollection on the
day of

23 the event and at the time you made the report is
better

24 than what it would be today, correct?

25 A. Yes.

2

Reed 1 Q. Okay. Now, I think we've discerned that while Mr.

2 was on the ground, he indicated that he was having

3 trouble breathing, is that accurate?

4 A. Yes.

5 Q. And that would have been as soon as he was removed
from

6 the vehicle, is that correct?

7 A. No.

8 Q. How long did he remain on the ground?

9 A. Just long enough to put the handcuffs on him and he
was

10 back up in less than a minute.

11 Q. Okay. So within a minute of being removed from the

12 vehicle, he began to complain of breathing
problems,

13 would that be accurate?

asked 14 A. He asked me to do him a favor. If I recollect, he

15 me to do him a favor.

16 Q. And that favor was what?

17 A. To get his inhaler.

the 18 Q. All right. Now, based upon your observation, once

one 19 inhaler was retrieved, he was only allowed to take

20 puff of the inhaler, is that accurate?

not 21 MS. OLMSTEAD: I'll object, assumes facts

22 in evidence.

in 23 MR. SANDERS: No, it doesn't assume facts

his 24 evidence. It assumes the facts the he reported in

25 report.

3

1 BY MR. SANDERS:

don't 2 Q. So I'm asking you for your recollection. If you

3 have a recollection, let me know and I don't have a

like 4 problem with you looking at your report. I'd just

5 it to be reflected on the record that you are

6 referencing your report.

7 A. I don't recall that.

a 8 Q. Okay. Do you want to look at your report and take
9 look?

10 A. Okay.

11 Yes. He took one puff.

12 Q. Okay. And you don't recall observing him being
13 administered or being allowed to take more than one
puff
14 from the inhaler, would that be accurate?

15 A. Yes, sir. That's accurate.

16 Q. All right. And at the time he took the one puff,
he was
17 still handcuffed, is that correct?

18 A. Correct.

19 Q. And his hands were cuffed behind his back, is that
20 accurate?

21 A. Correct.

22 Q. Okay. At the time that he took the one puff from
the
23 inhaler, what was the position of his body?

24 A. Standing up.

25 Q. Okay. Where was he at when he was standing up?

4

1 A. Passenger side, front fender.

2 Q. Of?

3 A. The scout car.

your 4 Q. Of the scout car. Okay. Does your report help

the 5 recollection in terms of how he was administered

6 inhaler?

7 A. Let's see. I can look at the report. How did he
8 administer the inhaler, is that what you're saying?

behind 9 Q. Yes. My question is, he's got his hands cuffed

10 his back, but you said that he took a puff from the
11 inhaler.

your 12 My question is, how do you do that with

13 hands cuffed behind your back?

14 A. Well, I assume one of the officers did it for him.

15 Q. My question is, do you know who did it for him?

16 A. No. I don't recall.

17 Q. Did you do it for him?

18 A. No, I didn't do it.

after 19 Q. Okay. Now, would it be accurate that immediately

that 20 taking the one puff from the inhaler, Mr. Reed said

21 he needs an ambulance?

22 A. Yes.

23 Q. After Mr. Reed -- well, let me back up. After you

what, 24 observed him take the one puff from the inhaler,
25 if, anything did you do?

5

1 A. Stand there and monitor.

2 Q. Monitor what?

3 A. Him. Monitoring him. Just monitoring.

4 Q. Okay. What else did you do, if anything?

sure 5 A. Nothing. Just stand there and monitor. And make

-- I 6 he's comfortable, like, as far as -- I think he is

against 7 believe he put it on the car. He was leaning

8 the car a little bit there.

you do 9 Q. Okay. At some point, other than monitoring, did

10 anything else associated with this occurrence?

11 A. After he asked for an ambulance, they got him an

12 ambulance coming, then he passed out.

13 Q. Okay.

14 A. And I assisted --

15 Q. Do you know who called for the ambulance?

16 A. Carver.

monitoring, did 17 Q. Okay. Again, my question is, other than

18 you do anything else as it relates to this
occurrence?

19 A. Yes.

20 Q. What?

21 A. Checked his pulse.

22 Q. And what was the purpose of you checking his pulse?

23 A. Because he fell. He fell unconscious in my arms.

24 Q. And you checked his pulse and determined what?

25 A. He was kind of weak.

6

1 Q. What, if anything, did you do as a result of that?

2 A. They took the cuffs off of him. We placed him on
the

3 ground, kind of made him comfortable. Got the seat
out

4 the back seat to kind of help prop him on his side.

5 Q. Okay. I want to be -- I appreciate the
information, but

6 I want to be specific as to you.

7 What, if anything, did you do after
checking

8 his pulse?

9 A. Stood by and assisted Officer Carver.

10 Q. How?

11 A. Kept checking his pulse, relaying information,
rolled

12 him over to his side.

13 Q. Relaying what information to him?

14 A. Officer Carver, that his pulse was getting weak.

15 Q. What else, if anything, did you do?

I 16 A. Tried to keep him on his side. He's a big guy, so

seat 17 tried to keep him on his side. I tried to keep the

18 from falling back. Trying to keep him --

19 Q. When you say he was a big guy, how tall was he,
20 approximately?

21 A. I'm not sure, but he weighed a lot.

that 22 Q. When you say he weighed a lot, would it be accurate

23 he weighed over 300 pounds?

24 A. I'd say 4, but, yes.

25 Q. Between 3- and 400 pounds?

7

1 A. Yes.

for a 2 Q. All right. It would be a pretty strenuous thing

get 3 man close to 400 pounds to get out of a vehicle and

4 down on the ground on his stomach, would it not?

5 A. No.

6 MS. OLMSTEAD: Objection, calls for
7 speculation. No personal knowledge --
8 THE WITNESS: No.
9 MS. OLMSTEAD: No personal knowledge --
let me
10 finish with the objection.
11 No personal knowledge as to what a 400
pound
12 man and what is strenuous for him, as well as to
the
13 officer. But go ahead, you can answer it, if you
can.
14 THE WITNESS: No. Because I seen some in
my
15 life that could move.
16 BY MR. SANDERS:
17 Q. But this guy, it was pretty strenuous for him,
wasn't
18 it?
19 A. As far as breathing, yes.
20 Q. Okay. Now, you testified that you attempted to
keep him
21 on his side?
22 A. Yes.
23 Q. Did you do anything else; you, personally?
24 A. No. As far as -- what you mean? Like, as far as
--
25 Q. Anything.

8

1 A. I kept checking his pulse.

2 Q. Okay. At some point, an ambulance arrived on the
scene,

3 is that accurate?

4 A. Yes.

5 Q. Between what you described as checking his pulse
and the

6 arrival of the ambulance, did you do anything that
you

7 haven't already described to me?

8 MS. OLMSTEAD: Just foundation. Anything
--

9 are you referring with regard to Mr. Reed, or are
you

10 referring to was he checking his -- any other
11 activities?

12 MR. SANDERS: I'm referring to what he
was

13 doing on the scene at the time. What I've
discerned is

14 that, based upon his testimony, he checked his
pulse,

15 assisted him to his side and he was monitoring him.
I

16 believe that's his testimony.

17 BY MR. SANDERS:

18 Q. Is that accurate?

19 A. Yes. Until the EMS arrived, yes.

than 20 Q. And monitoring, I presume, means observing other

Would 21 checking his pulse and rolling him to his side.

22 that be accurate?

side. 23 A. Yes. Checking his pulse and rolling him to the

24 Keeping him maintained on his side.

25 Q. Now, once the EMS arrives, what happens next?

9

1 A. They administer medical treatment to him.

2 Q. Okay. What did you do, if anything?

door, 3 A. Helped them load him up. Like, as far as the back

4 whatever.

happens, 5 Q. Okay. You helped them load him up. Then what

6 if anything?

7 A. Stood by for the supervisor.

into 8 Q. All right. Up to the point that you get him loaded

this 9 the ambulance -- and forgive me if I already asked

10 question.

11 Did you, at any time, search Mr. Reed?

12 A. I don't recall.

13 Q. Did you observe anyone else search Mr. Reed?

14 A. I don't recall.

15 Q. At any time, did you search his vehicle?

16 A. I don't recall -- I seen a few things, but I don't
17 recall searching his vehicle.

18 Q. I'm sorry?

19 A. I said I don't recall searching his vehicle.

20 Q. Did you observe either of the two officers that
were

21 with you in your vehicle that night search the
vehicle?

22 A. No, I don't recall.

23 Q. Okay. Is that a no, or you don't recall?

24 A. I don't recall.

25 Q. Now, you waited for the supervisor to arrive?

10

1 A. Uh-huh.

2 Q. Did that eventually occur?

3 A. Yes.

4 Q. Who was that person?

5 A. Sergeant Hammoud.

6 Q. After Sergeant Hammoud arrives, what happens next,
if

7 anything?

8 A. Explained the situation.

9 Q. Okay. Did you observe anyone search the vehicle?

10 MS. OLMSTEAD: All right. Asked and
answered.

11 MR. SANDERS: Well, I believe that was
before
12 the Sergeant's arrival.

13 BY MR. SANDERS:

14 Q. Now the Sergeant is there. Did you observe anyone
15 search the vehicle?

16 A. Evidence techs processed him. Whatever they find
is in
17 the vehicle.

18 Q. So you observed evidence techs search the vehicle?

19 A. Their findings, yes.

20 Q. I'm sorry, my question is, did you observe the
evidence
21 techs search the vehicle?

22 A. I didn't observe them search the vehicle, but I
observed

23 them process the scene. So I'm assuming somebody
went
24 up and two officers searched the vehicle.

25 Q. What do you mean by processed scene?

11

1 A. Take pictures, recover the false bottoms from the
2 bottles, narcotics, money, et cetera.

at 3 Q. I'm sorry. You're saying narcotics were recovered
4 the scene of the --
saying 5 A. I didn't say recovered at the scene. I'm just
6 paraphernalia, like false -- like what you call it?
7 Like water bottles with removable bottoms.
8 Q. All right. But my question is, again, you didn't
9 observe a search, is that accurate?
10 A. Correct.
are 11 Q. All right. Now, on Exhibit 2, there are areas that
that 12 apparently redacted. It may have been highlights
13 didn't come through in the copy.
of 14 Do you see where I'm referring to? Two
15 them, you've already testified to.
was: 16 You stated that that -- you believe that
17 Get his inhaler. Having trouble breathing.
18 Do you recall testifying to that?
19 A. Yep. Get his inhaler.
you 20 Q. And you said this -- having trouble breathing. And
similar? 21 said that may be an asthma attack or something
22 A. May be asthma, yes.
23 Q. Okay. Then we continue reading. The next line

says:

24 John Doe took one hit from his --

25 A. It should be inhaler.

12

1 Q. Inhaler. That's what's blackened there, correct?

2 A. Correct.

the

3 Q. Okay. Do you know where the inhaler was found in

4 vehicle?

5 A. That, I don't know.

6 Q. Who is David Andrews?

7 A. Crime scene technician at the time.

night

8 Q. Okay. He was not in the vehicle with you that

9 when you observed --

10 A. No.

11 Q. Let me finish my question.

12 A. Sorry about that.

you

13 Q. He was not in the vehicle with you that night when

accurate?

14 first observed Mr. Reed's vehicle, is that

15 A. Correct.

16 Q. He came on the scene thereafter?

17 A. Correct.

that 18 Q. Okay. Let me ask you this question: You indicated
turn, 19 when you pulled behind Mr. Reed after making a u-
vehicle, is 20 that you could observe him moving within the
21 that accurate?

22 A. Correct.

no 23 Q. So in consideration of that, apparently, there was
24 issue with the tint of his rear window, correct?

back, 25 A. Yes. You could have -- from the passenger side on

13

can 1 you can have as much tint as you want to. But you
you 2 see his -- you can see the frame of the person. So
3 can see the statue of the person.

frame 4 Q. So are you maintaining that you could only see his
5 through the rear window?

6 A. Correct.

7 Q. All right. And so it was like a shadow, so to

8 speak --

9 A. Yes.

you 10 Q. -- is what you're maintaining you could see. And

11 saw that shadow move?

12 A. Yes.

13 Q. Okay.

14 DEPOSITION EXHIBIT NO. 3

15 MARKED FOR IDENTIFICATION

16 2:12 P.M.

17 BY MR. SANDERS:

Exhibit 18 Q. I'm showing you what's been marked as Deposition

19 3. Are you familiar with the vehicle that's in the
20 photo?

21 A. The Dodge Charger?

22 Q. Yes.

23 A. Yes.

24 Q. Okay. Is that the vehicle that Mr. Reed was
driving on

25 the night in question?

14

1 A. I don't recall.

a 2 Q. That photo was provided to me by your Counsel with

3 litany of other photos.

4 A. Okay.

5 Q. Do you recall the color of the vehicle?

know 6 A. Red, orange. I don't recall, specifically, but I

7 it was a Dodge Charger.

see 8 Q. Well, why don't you take a look at your report and

the 9 if that helps refresh your recollection as to what

10 vehicle looked like.

11 A. Burgundy Dodge Charger.

12 Q. Okay. All right. So did your Counsel get it wrong
13 giving me that photo?

14 A. No. It's burgundy.

over 15 Q. All right. So that is the vehicle that you pulled

16 on that day, is that accurate?

she 17 A. It's a burgundy vehicle. If that's the one that

18 marked, then that's it.

that you 19 Q. Okay. And from the photograph, you would agree

20 can clearly see through the front windows, correct?

21 A. It looks down, to me.

22 Q. The front windows?

see 23 A. You're talking about the -- oh, the front. You can

24 the front.

be 25 Q. Okay. You're right, the side windows do appear to

15

of the 1 down. Do you know if there were any photos taken

2 side windows up?

3 A. I don't.

purposes, 4 Q. Okay. I want to show you, for identification

it. 5 the video that we have and see if you can identify

it 6 This video says Camera 2, 3/30/2015. And

can 7 begins at 9:31:27. And it says a.m. But as you

8 see, there's a streetlight there.

9 Does your report help refresh your
10 recollection as to what time the occurrence was?

But 11 A. Since that shift starts at 7:00, it was after 7:00.

12 the report says --

13 Q. Your shift starts at 7:00 p.m.?

14 A. Yes. 7:00 p.m. So it was after 7:00 p.m.

it 15 Q. Okay. So your -- let me ask you the question: Is

and 16 possible this time of 9:31, thereabout, is accurate

17 it should be p.m. instead of a.m.?

18 A. It should be p.m.

you 19 Q. Okay. Well, let's see if you can -- if we can get

20 to identify what's happening here.

21 If you can take a look at the video —

22 THE WITNESS: I'm just trying to update
my

23 parking.

24 MR. SANDERS: Sure. I'll pause it.

25 BY MR. SANDERS:

16

1 Q. Did you say this looks like the video that you
looked at

2 earlier when you said you observed a video?

3 A. Yes.

4 Q. Okay. I'm going to pause it at approximately
9:33:03.

5 We see a burgundy vehicle enter into the side of
the

6 video. Would that be accurate?

7 A. Yes.

8 Q. Okay. And it's pulling under or near a
streetlight.

9 Would that be accurate?

10 A. Yes. I just thought it was a little lighter than
that,

11 but, yes.

12 Q. So do you believe this time to be approximately the
time

13 of the occurrence, 9:33, probably p.m.?

14 A. Maybe p.m.

I'm 15 Q. Okay. Now, I'm going to keep rolling it and then
16 going to pause it and ask you some questions.

17 A. Okay.

vehicle. 18 Q. Now, we see two individuals approaching the
Do 19 you know who those individuals are?

20 A. Yes.

21 Q. Who is the person -- and we're at 9:33:08.

22 Who is the person at the front passenger?

23 A. Officer Carver.

to be 24 Q. Okay. Now, there's someone at 9:33:13 who appears
25 the rear passenger.

17

1 A. That's me.

that? 2 Q. Now, someone approaches at driver's door. Who is

3 A. Moreno.

4 Q. And that is 9:33:20.

both 5 Now at 9:33:42, you'd agree with me that
6 front doors have been opened?

7 A. Yes.

from 8 Q. And it appears as though Mr. Reed is being removed

9 the vehicle. Would that be accurate?

10 A. Or actually gets out, yes.

with 11 Q. Okay. It appears as though there are two officers

accurate 12 their hands on him at this time. Would that be

13 or inaccurate?

moved 14 A. I don't know about hands on him, but I'm over -- I

15 from the passenger side to the driver's side.

you or 16 Q. Okay. And you have no recollection as to whether

time? 17 the other officer had your hands on him at this

18 A. Correct.

19 Q. So you would have allowed him to exit the vehicle

20 without placing your hands on him?

complied, I 21 A. If we told him to get on the ground and he

and 22 wouldn't put my hands on him. If he's getting out

23 crawling on the ground.

24 Q. And he was doing this with his hands on his head?

25 A. Well, I'm sure he took them off, but --

1 Q. Did you order him to take his hands off his head?

2 A. I didn't order anything.

3 Q. Did you hear anyone else order him to take his
hands off

4 his head?

5 A. I don't recall.

6 Q. Looking at your report, you do agree that at some
point

7 while he was in the vehicle he was ordered to put
his

8 hands on his head, correct?

9 A. Yes.

10 Q. Okay. I'm looking at the vehicle.

11 Now, at 9:33:56, would you agree with me
that

12 while someone's hands were on him, he was placed to
the

13 ground facedown?

14 A. That he was on the ground? I can't really tell
from

15 that photo.

16 Q. Okay.

17 A. I don't know if he's getting up or he's still down

18 there. I can't really tell.

19 Q. All right. You couldn't tell whether or not he was
20 being placed to the ground?

21 A. Well, I know he went to the ground. But I just
can't --

22 I'm kind of having a hard time seeing it.

23 Q. And who is that over by him as he's placed to the
24 ground?

25 A. Officer Moreno. And I made my way over there.

19

vehicle 1 Q. One person is standing further away from the

2 than the other. Is that you or Officer Moreno?

3 A. That's me further away.

4 Q. Now we're at 9:34:15. What's going on here?

the 5 A. Probably double cuffing him or getting him up off

6 ground.

7 Q. What do you mean by double cuffing?

aren't 8 A. Two sets of cuffs. He's a big guy. Some of them

9 flexible.

problems 10 Q. And was that -- had he told you he was having

11 breathing before or after you cuffed him?

a 12 A. I think while he was getting cuffed, he said, do me

13 favor.

14 Q. Do him a favor and what?

now 15 A. While he was on the ground, he said, do me a favor

16 and get his inhaler.
17 Q. Okay. Now, refresh my memory. Who did you say got
the
18 inhaler?
19 A. I didn't really say. I said I assumed, because he
asked
20 Officer Carver to get it.
21 Q. Okay. So it's you and Moreno that's over here
cuffing
22 him now?
23 A. Yes.
24 Q. So why do you say he asked Officer Carver to get
it?
25 Because when he was on the ground with you and
Moreno,

20

1 he said, do me a favor and --
2 A. No. He asked Officer Moreno, do me a favor and get
my
3 inhaler.
4 Q. Okay. So he was speaking to --
5 A. Officer Moreno.
6 Q. In your opinion, Officer Moreno?
7 A. Yes.
8 Q. Okay. Now, I just saw -- it looks like Carver
going to
9 the backseat of the vehicle.

10 A. Yes.

11 Q. Why is he going into the backseat of the vehicle?

12 A. Maybe checking for --

13 MS. OLMSTEAD: Objection, calls for
14 speculation. But go ahead and finish the answer.

15 MR. SANDERS: Well, they were acting
together
16 as a team.

17 MS. OLMSTEAD: Again, I just placed my
18 objection. I
19 don't argue with attorneys. I just --

20 MR. SANDERS: I'm not arguing with you.

21 MS. OLMSTEAD: You're talking over me.

22 MR. SANDERS: I'm just giving you the
basis
23 for my --

24 MS. OLMSTEAD: Hold on.

25 MR. SANDERS: I thought you were
finished.

21

1 MS. OLMSTEAD: I wasn't, because you were
2 interrupting me. I'm placing an objection on the
record
3 and you interrupted my objection. I'm not -- I
don't

4 -- for the record, I do not argue with attorneys at
5 depositions. The purpose of me to place my
objection on
6 the record is for, if necessary, a judge to rule on
said
7 objection. So please let me finish placing my
objection
8 on the record and I will, likewise, let you finish
9 placing any objections that you may have on the
record.

10 Thank you, sir.

11 MR. SANDERS: Go ahead.

12 MS. OLMSTEAD: I'm done.

13 MR. SANDERS: I thought so.

14 BY MR. SANDERS:

15 Q. Now, as I was saying, we're at 9:34:30 -- and we
see

16 Carver in the backseat.

17 Do you have any knowledge as to why
Carver is

18 in the backseat?

19 A. Maybe because he was reaching -- between activating
the

20 lights and him finally coming to a stop, he dipped
down

21 like three or four times to the right.

22 Q. Is that illegal?

23 A. No, it's not illegal.

24 Q. Could he have been looking for his inhaler?

for

25

MS. OLMSTEAD: Objection. Again, calls

22

1

speculation.

the

2

MR. SANDERS: That's what he was doing in

3

first place.

4

THE WITNESS: Who?

5

MR. SANDERS: You.

6

THE WITNESS: What?

7

BY MR. SANDERS:

8

Q. You don't know what he was doing, do you?

what he

9

A. I don't know what he was doing, but I can assume

10

was doing.

11

Q. Okay. But at this point, you have him handcuffed?

12

A. Uh-huh.

Why is

13

Q. And he's saying he's having problems breathing.

him

14

Carver searching the vehicle, as opposed to getting

15

some first aid?

16

MS. OLMSTEAD: Objection, calls for --

17

THE WITNESS: Maybe because --

18

now.

MS. OLMSTEAD: I don't want to get at you

19 THE WITNESS: Okay.
20 MS. OLMSTEAD: Objection. He lacks
personal
21 knowledge as to why Carver is doing whatever Carver
we
22 will see doing. And so it calls for speculation.
23 You have Carver noticed up for a dep.
Ask
24 Carver.
25 You can speculate on why Officer Carver
was

23

1 doing what Officer Carver was doing, if you can.
2 THE WITNESS: I don't know. I didn't
even
3 know he was in the vehicle until you showed me the
4 video, so I don't know.

5 BY MR. SANDERS:

6 Q. Really? You had no idea what he was doing?

7 A. No. My focus was on the --

8 MS. OLMSTEAD: Objection, asked and
answered.

9 At this point, you are badgering my witness.

10 MR. SANDERS: Not at all. It's cross
11 examination.

12 MS. OLMSTEAD: This we will see a

discovery

13 dep, sir. So you're doing a direct examination of
the

14 witness.

15 MR. SANDERS: This is cross exam. He's
an

16 adverse witness.

17 BY MR. SANDERS:

18 Q. Now, what's going on at this point, 9:34:50? It
looks

19 like you and Moreno are doing what with --

20 A. Helping him up to his feet.

21 Q. Okay. Are you able to identify on the video at
what

22 point the inhaler was retrieved?

23 A. Once he got back to the car.

24 MS. OLMSTEAD: He asked on the video.

25 THE WITNESS: On the video, no, I don't.
I

24

1 can't. On video, I can't.

2 BY MR. SANDERS:

3 Q. Okay. So we know that there was no inhaler
retrieved at

4 this point because he's not back to the car,
correct?

5 A. Not off that, I don't know yet. I don't know.

6 Q. Well, I believe your testimony is the inhaler was
7 retrieved once he was back to the car, referring to
the
8 police vehicle, is that accurate?

9 A. Yes.

10 Q. All right. He's not back to the car yet, correct?

11 A. Correct.

12 Q. And this is at 9:34:50.

13 Now, at 9:35:00, Mr. Reed we will see no
14 longer in our view, is that accurate?

15 A. Yes.

16 Q. Are you in the view?

17 A. No.

18 Q. Is Officer Moreno in the view?

19 A. No.

20 Q. Okay. What are you all doing at this point?

21 A. Back at the passenger side of the scout car.

22 Q. Doing what?

23 A. Waiting for his inhaler to get there.

24 Q. And at 9:35:00, do we see Officer Carver?

25 A. Yes.

25

1 Q. Do you know what he's doing at that point?

2 A. No.
3 Q. So would it be accurate that at some point we will
see
4 Officer Carver leave our view and go to where you
are
5 with the inhaler?

6 A. I believe he retrieved it, yes. I don't recall --
I
7 believe he retrieved the inhaler.

8 Q. All right. I'm going to continue to play the
video.
9 When you see that happening, I want you to let me
know.

10 A. Okay.
11 MS. OLMSTEAD: I'm sorry. Can we go back
and
12 verify exactly what time did you ask Officer to --
at
13 what point in the video did you ask him --

14 MR. SANDERS: Well, I'm still waiting for
him
15 to identify when he sees Moreno going back to the
car
16 with the inhaler.

17 MS. OLMSTEAD: Okay. At what point did
you
18 ask him to start?

19 THE WITNESS: I think we went back a long
time
20 ago.

21 MS. OLMSTEAD: Yes. Because we were

looking

22 for a long time.

ago.

23 THE WITNESS: You went back a long time

24 He left a long time ago.

25 BY MR. SANDERS:

26

1 Q. Okay. Well, you didn't identify that for me.

then

2 MS. SIMMONS: 9:35. He went to 9:35,

3 worked back.

4 MS. OLMSTEAD: Thank you.

5 BY MR. SANDERS:

leave

6 Q. I believe I asked you at the point that we see you

with

7 our view with Mr. Reed. You're still in the view

8 Mr. Reed?

9 A. Correct. Leaving now.

10 Q. Leaving now at 9:34:56.

purposes

11 MS. OLMSTEAD: Where are you at, for

Officer?

12 of the video. Can you tell me, is that you,

13 THE WITNESS: No. That's Carver.

14 MR. SANDERS: He's outside.

the 15 MS. OLMSTEAD: So that's Carver all in

16 back of the vehicle?

17 THE WITNESS: Yes.

18 MS. OLMSTEAD: Go ahead.

19 BY MR. SANDERS:

20 Q. I want you to identify for me when you see what you
puff 21 believe him bringing the inhaler that he took one

22 from.

23 A. I'll try. It looks like he handed off and tossed
it

24 off. I'm not sure, but it's kind of hard to tell.

25 Q. So you don't know?

27

him. I 1 A. I really don't know. He might have tossed it to

2 don't know.

3 Q. What you're saying is you cannot identify --

4 A. I cannot identify.

this 5 Q. Let me finish my question. You cannot identify in

6 video Officer Carver or anyone else retrieving the

7 inhaler for Mr. Reed?

8 A. Correct.

9 Q. All right. Now, it's accurate that you did not

find any

10 weapons on Mr. Reed, correct?

11 A. No weapons.

correct? 12 Q. Nor did you find any weapons in the vehicle,

13 A. Correct.

14 Q. Now, what was the degree of the tint of the front
15 window?

16 A. I don't recall. I don't recall.

don't 17 Q. What do you mean? You knew at some point, but you

18 recall now?

19 A. I don't recall. He had tinted windows, but I don't
20 recall the darkness or the percent of it.

time? 21 Q. So you knew the percentage of the darkness at one

know 22 A. No. I don't recall the percentage of it. I just

23 he had tint on the windows.

you 24 Q. Right. So what I'm saying when you're telling me

you 25 don't recall, that means, to me, that at some point

28

1 knew, but now you can't remember.

2 You never knew, correct?

3 A. Yes.

4 MS. OLMSTEAD: Objection. Asked --

5 THE WITNESS: I knew he had tint on the

6 windows. But you asked me what was the percentage

of 7 it.

8 MR. SANDERS: Right.

9 THE WITNESS: I don't know the percentage

10 it.

11 BY MR. SANDERS:

12 Q. And you never knew the percentage of it, correct?

13 A. Correct. I don't know the percentage of it.

14 Q. And you had no basis or way of determining the

15 percentage of it at the time you pulled him over,

16 correct?

17 A. No. Just tint. Just tint on the windows.

18 Q. You didn't have a meter that could read the tint on

the 19 windows, did you?

20 A. No.

correct? 21 Q. Nor was anyone else equipped with such a meter,

22 A. Correct.

that, 23 Q. Okay. And you didn't issue him a citation for

24 correct?

25 A. I didn't issue no citation.

29

couldn't 1 Q. And truthfully, you couldn't have, because you

2 determine whether or not he had an illegal tint.

yes, you 3 A. Yes, you can. He had tint on the windows. So,

4 can.

you 5 Q. How do you know that it's an illegal tint, unless

6 have --

you 7 A. Because you can't have no tint on the passenger or
8 driver's side windows. There's a strip -- unless

9 got a doctor's --

his 10 Q. But the basis for you pulling him over was because

11 front window was tinted.

windshield. 12 A. Driver and passenger side window. Not the

windows. 13 Q. Show me where that's in your report, or the PCR,
14 something about the driver and passenger side

15 A. Might not be in mine.

16 Q. All right.

driver 17 A. Right there. Front driver. Right there. Front

18 and passenger side.

19 Q. Do you have any photos of that?

20 A. No.

21 Q. Okay. And looking at your activity log, you
indicate

22 that it was the front window that was the basis for
23 pulling him over, right?

24 A. Front driver/passenger side windows.

25 Q. Wait. I'm talking about --

30

1 A. Right here.

2 Q. Where it says investigating for tinted front
windows,
3 correct?

4 A. Correct.

5 Q. Okay.

6 MS. OLMSTEAD: Where are you? Was it
window

7 or windows?

8 THE WITNESS: Windows.

9 BY MR. SANDERS:

10 Q. But you still have no idea as to what the degree of
the

11 tint was, if at all?

12 A. Correct. I just know it was tint on there.

13 Q. Correct. And you would have no way of proving

that?

14 A. As of now, no. Unless they took photos of the
driver
15 front windows.

16 Q. Okay. And you had no tint meter on the day in
question?

17 A. Correct.

18 Q. All right. And no citation was issued for tinted
19 windows?

20 A. I have -- I think he was deceased, so it would be
kind
21 of --

22 Q. Right.

23 A. You know. It would be kind of disrespectful to do
that.

24 MS. OLMSTEAD: Just answer the question
that

25 was asked. No, no tint.

31

1 THE WITNESS: No. No.

2 MS. OLMSTEAD: No tint violation ticket.

3 BY MR. SANDERS:

4 Q. If the basis for pulling him over was his side
windows,

5 why wouldn't that evidence be preserved?

6 MS. OLMSTEAD: Objection, calls for

7 speculation. This Officer is not the officer that
was
8 the evidence tech.

9 MR. SANDERS: Well, now you're
testifying. If

10 that calls for speculation, that's fine enough.

11 MS. OLMSTEAD: Okay.

12 THE WITNESS: I wasn't the evidence tech.
I

13 don't know.

14 BY MR. SANDERS:

15 Q. Did you tell the evidence tech the basis as to why
you
16 pulled him over?

17 A. I don't recall.

18 Q. Is it part of the policy, practice and procedure to
19 preserve the evidence that would, in your opinion,
20 constitute probable cause?

21 MS. OLMSTEAD: Objection. Again, lacks
22 personal knowledge. He's not the officer that was
23 responsible for preservation of the evidence.

24 MR. SANDERS: I understand that. I'm
asking

25 him about the policy, practice and procedure for
the

1 City of Detroit.

2 BY MR. SANDERS:

3 Q. Do you preserve evidence that would have
constituted

4 probable cause for your stop, particularly, in a
case

5 where someone has died during the process?

6 A. You would preserve evidence.

7 Q. That would constitute probable cause, correct?

8 A. Probable cause for the stop was for the tint, yes.

9 Q. So that evidence should have been preserved,
correct?

10 A. I assume.

11 Q. All right. And if it wasn't preserved, that would
be

12 contrary to the policy, practices and procedures of
the

13 City of Detroit?

14 A. I don't know. I wasn't the evidence tech.

15 Q. I understand that, but you're a police officer.

16 A. Uh-huh.

17 Q. You can't have a case without evidence, right?

18 A. They do -- they dust up -- best as most.

19 Q. They do what with stuff?

20 A. They have -- you can as much as possible, you know.
You

21 preserve as much as possible. Nothing is perfect,
but

22 you can preserve evidence as much as possible.

23 Q. Okay. So you -- let's go off the record a minute.

24 MS. OLMSTEAD: Okay.

25 (Recess at 2:41 p.m.)

33

1 MR. SANDERS:

in 2 Q. Let me do one other thing. My video that I have is

3 two parts, Video A and Video B. I believe you
4 identified Video A. I just want to show you what I
5 marked as B and see if you can identify this video.

6 This video starts --

in 7 The video for the occurrence seems to be

part B 8 two parts. A part A and a part B. I'm playing

pause. 9 now, which begins at 10:00:07. And I have it on

video 10 Do you see that? And it looks like this

see 11 begins with the ambulance having arrived. Do you

12 that?

13 A. Yes.

Can the 14 Q. Is this the occurrence on the date in question?

let me 15 you identify that vehicle -- or this video? And

16 play it for you.

17 A. Are you talking about the car, itself?

18 Q. Yes.

19 A. It looks like the same car.

20 Q. Okay. Does this look like the date of the
occurrence

21 that we've been discussing?

22 A. Yes.

23 Q. Do you recall that ambulance being parked there in
front

24 of the car?

25 A. That, I don't recall.

34

1 Q. You don't know?

2 A. I don't know.

3 Q. All right. Were you on the scene when the
ambulance

4 arrived?

5 A. Yes.

6 Q. Because I think you previously testified you helped
put

7 the Plaintiff on the stretcher, is that right?

8 A. By the car. Not like -- like helping -- you know,
9 giving him the backboard.

10 Q. Okay.

that 11 MR. SANDERS: I'm going to mark or ask
12 these Videos A and B be marked as Exhibits 4 and 5.
Videos 13 Better yet, they're on one flash drive,
14 A and B. Why don't we mark that as Exhibit 4,
knowing 15 that there's a part A and a part B to the flash
drive. 16

17 DEPOSITION EXHIBIT NO. 4
18 MARKED FOR IDENTIFICATION
19 2:45 P.M.

20 MR. SANDERS: Back on the record. No
further 21 questions.
22

23 MR. OLMSTEAD: Okay. No follow-ups.
24
25

35

1 CERTIFICATE OF NOTARY
2

3 STATE OF MICHIGAN)
4) SS

44

5 COUNTY OF OAKLAND)
6 I, Carol Dillon, Certified Shorthand Reporter,
a
7 Notary Public in and for the above county and
state, do
8 hereby certify that the above deposition was taken
9 before me at the time and place hereinbefore set
forth;
10 that the witness was by me first duly sworn to
testify
11 to the truth, and nothing but the truth, that the
12 foregoing questions asked and answers made by the
13 witness were duly recorded by me stenographically
and
14 reduced to computer transcription; that this is a
true,
15 full and correct transcript of my stenographic
notes so
16 taken; and that I am not related to, nor of counsel
to
17 either party nor interested in the event of this
cause.

18
19
20
21 _____
Carol Dillon RPR, CSR 2950
22 Notary Public,
23 Oakland County, Michigan

24 My Commission expires: 9-3-2022
25